

Message Text

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ACTION SCA-01

INFO OCT-01 EUR-12 ISO-00 SCS-03 VO-03 PPT-01 PER-01
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TO SECSTATE WASHDC 7861
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E.O. 11652: N/A
TAGS: OCON, CGEN, AINF
SUBJECT: SUGGESTED AGENDA ITEMS FOR CONSULAR CONFERENCE IN VIENNA

REF: (1.) FRANKFURT 2697, (2.) STATE 057650

1. AS AN ADDITIONAL ITEM FOR AGENDA OF VIENNA CONSULAR
CONFERENCE, WE SUGGEST DISCUSSION OF EFFECT ON FREEDOM OF
INFORMATION ACT AND PRIVACY ACT ON CONSULAR OPERATIONS.
TWO EXAMPLES ILLUSTRATE SORTS OF PROBLEMS WE ENCOUNTER.

2. U.S. CITIZENS IN GERMAN JAILS FREQUENTLY ASK THE EXTENT
OF DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF STATE ON
THEIR CASES TO U.S. LAW ENFORCEMENT AGENCIES. IN SOME
INSTANCES, U.S. CITIZENS HAVE NOT NOTIFIED THE CONSULATE
GENERAL OF THEIR ARRESTS IN HOPES THAT SUCH FAILURE WOULD
KEEP INFORMATION ON ARREST FROM BEING TRANSMITTED TO U.S.
LAW ENFORCEMENT AGENCIES. WE ARE UNCLEAR ON EXTENT TO
WHICH DEPARTMENT TRANSMITS SUCH INFORMATION TO U.S. LAW
ENFORCEMENT AGENCIES AND WHETHER SUCH TRANSMITTAL DUPLI-
CATES TRANSMITTAL OF INFORMATION THROUGH INTERNATIONAL
LAW ENFORCEMENT CHANNELS, FOR EXAMPLE, INTERPOL. THIS
POINT IS OF INTEREST SINCE IT WOULD APPEAR THAT A
CONSULAR OFFICER MIGHT UNWITTINGLY BE IN
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TECHNICAL VIOLATION OF THE PRIVACY ACT IF INFORMATION
ON A U.S. CITIZEN IN A FOREIGN JAIL IS TRANSMITTED TO
A LAW ENFORCEMENT AGENCY WITHOUT THE KNOWLEDGE OR CON-
SENT OF THE INCARCERATED CITIZEN.

3. AS SEPARATE MATTER, OTHER OF A U.S. CITIZEN
(PERSONIUS, HENRY SHERMAN) HAS ASKED US FOR A

COPY OF THE REPORT OF HER CHILD'S BIRTH. DEPARTMENT
HAS INSTRUCTED US TO OBTAIN, PURSUANT TO FREEDOM OF INFORMATION
ACT, WRITTEN CONSENT OF FATHER BEFORE TRANSMITTING
REPORT OF BIRTH TO MOTHER. THIS REFINEMENT OF THE
FREEDOM OF INFORMATION ACT RAISES QUESTION OF OTHER
REGULATORY PROVISIONS OF WHICH WE AND OTHER CONSULAR
OFFICERS MAY NOT BE AWARE. BLAKE

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Sent Date: 20-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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